

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESHEILA HOWLETT,

Plaintiff,

vs.

**CITY OF WARREN, SHAWN
JOHNSON, ANWAR KHAN, &
LAWRENCE GARNER,**

Defendants.

4:17-CV-11260-TGB-RSW

VERDICT FORM

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We the Jury, after due deliberation and consideration of all of the evidence, reach the following verdict¹:

You should answer all questions in Part I.

¹ To reach a verdict on any question, the parties have agreed that you must have at least 6 members of the jury voting in favor of the answer to the question.

PART I – LIABILITY

As to whether the individual Defendants Lawrence Garner, Shawn Johnson, and Anwar Khan violated Title 42 U.S.C. § 1983.

QUESTION NO. 1: As to Defendant Lawrence Garner, considering his own conduct individually, did Defendant Garner violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution between April 21, 2014 and April 21, 2017 by intentionally discriminating against Plaintiff DeSheila Howlett based on her race or sex?

ANSWER:

_____ Yes or ☒ No

Go on to the next question.

QUESTION NO. 2: As to Defendant Shawn Johnson, considering his own conduct individually, did Defendant Johnson violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution between April 21, 2014 and April 21, 2017 by intentionally discriminating against Plaintiff DeSheila Howlett based on her race or sex?

ANSWER:

☒ Yes or _____ No

Go on to the next question.

QUESTION NO. 3: As to Defendant Anwar Khan, considering his own conduct individually, did Defendant Khan violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution between April 21, 2014 and April 21, 2017 by intentionally discriminating against Plaintiff DeSheila Howlett based on her race or sex?

ANSWER:

_____ Yes or ☒ No

If you answered "Yes" to any of Questions 1, 2, or 3, go on to Question 4. If you answered "No" to all of Questions 1, 2, and 3, you should skip Question 4 and go on to Question 5.

As to whether Defendant the City of Warren violated Title 42 U.S.C. § 1983.

QUESTION NO. 4: Did Defendant the City of Warren fail to train its officers and employees in a manner that violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution by causing Plaintiff DeSheila Howlett to be subjected to discrimination based on her race or being female?

ANSWER:

☒ Yes or _____ No

Go on to the next question.

As to whether Defendant the City of Warren, as the employer of Plaintiff DeSheila Howlett, violated Title VII of the Civil Rights Act of 1964 ("Title VII").

QUESTION NO. 5: Did Defendant the City of Warren violate Title VII of the Civil Rights Act of 1964 ("Title VII") by subjecting Plaintiff DeSheila Howlett to a hostile work environment because of severe or pervasive *racial harassment* perpetrated by her *co-workers*?

ANSWER:

_____ Yes or ☒ No

Go on to the next question.

QUESTION NO. 6: Did Defendant the City of Warren violate Title VII of the Civil Rights Act of 1964 ("Title VII") by subjecting Plaintiff DeSheila Howlett to a hostile work environment because of severe or pervasive *sexual harassment* perpetrated by her *co-workers*?

ANSWER:

_____ Yes or ☒ No

Go on to the next question.

QUESTION NO. 7: Did Defendant the City of Warren violate Title VII of the Civil Rights Act of 1964 ("Title VII") by subjecting Plaintiff DeSheila Howlett to a hostile work environment because of severe or pervasive *racial harassment* perpetrated by her *supervisor*?

ANSWER:

_____ Yes or ☒ No

Go on to the next question.

QUESTION NO. 8: Did Defendant the City of Warren violate Title VII of the Civil Rights Act of 1964 ("Title VII") by subjecting Plaintiff DeSheila Howlett to a hostile work environment because of severe or pervasive *sexual harassment* perpetrated by her *supervisor*?

ANSWER:

_____ Yes or ☒ No

If you answered "No" to all of Questions 1 through 8, your deliberations are completed. You should not answer any further questions. Instead, you must have the Foreperson sign and date where indicated on the last page of this Verdict Form.

If you answered "No" to Questions 5 and 6 above, but you answered "Yes" to Questions 7 or 8, please answer the following questions, Questions 9 and 10.

However, if you answered "Yes" to Questions 5 and 6, and "No" to Questions 7 and 8, skip Questions 9 and 10, but continue to Part II.

QUESTION NO. 9: Did the Defendant the City of Warren prove by a preponderance of the evidence that it exercised reasonable care to prevent and promptly correct any harassing behavior perpetrated by Plaintiff DeSheila Howlett's supervisor?

ANSWER:

_____ Yes or _____ No

N/A

Go on to the next question.

QUESTION NO. 10: Did the Defendant City of Warren prove by a preponderance of the evidence that Plaintiff DeSheila Howlett unreasonably failed to take advantage of any preventive or corrective opportunities provided by the City to address the harassment perpetrated by her supervisor or to avoid harm otherwise?

ANSWER:

_____ Yes or _____ No

N/A

If you answered “Yes” to both Questions 9 and 10, then you should not consider any damages against the Defendant the City of Warren caused by harassment perpetrated by Plaintiff’s supervisor in Part II.

If you answered “No” to either Questions 9 or 10, you may consider any damages against the Defendant the City of Warren caused by harassment perpetrated by Plaintiff’s supervisor in Part II.

If you answered “Yes” to Questions 1, 2, 3, 4, 5, or 6, proceed to Part II.

However, if you answered “No” to Questions 1, 2, 3, 4, 5, and 6, your deliberations are completed. You should not answer any further questions. Instead, you must have the Foreperson sign and date where indicated on the last page of this Verdict Form.

PART II – DAMAGES

As to whether Plaintiff DeSheila Howlett is entitled to damages from Defendant the City of Warren.

If you answered “No” to all of Questions 1 through 8, your deliberations are completed. You should not answer any further questions. Instead, you must have the Foreperson sign and date where indicated on the last page of this Verdict Form.

You should answer these questions in Part II only if you answered “Yes” to any of Questions 1 through 8, and if you answered “Yes” to Questions 7 or 8 but also answered “No” to either Questions 9 or 10.

QUESTION NO. 11: Do you find that Plaintiff DeSheila Howlett suffered damages as a result of the Defendant the City of Warren’s conduct, actions, or inactions?

ANSWER:

 ✓ Yes or No

If you answered “Yes” to Question 11, answer the next question. If you answered “No” to Question 11, go on to Question 23.

QUESTION NO. 12: Do you find that Plaintiff DeSheila Howlett was constructively discharged from her employment by the Defendant the City of Warren?

ANSWER:

☒ Yes or ☐ No

If you answered "Yes" to Question 12, answer the next question. If you answered "No" to Question 12, go on to Question 17.

QUESTION NO. 13: Do you find that Plaintiff DeSheila Howlett is entitled to back pay damages in the form of lost wages and benefits from the date of her constructive discharge to the date of this verdict?

ANSWER:

☒ Yes or ☐ No

If you answered "Yes" to Question 13, answer the next question. If you answered "No" to Question 13, skip Question 14 and go on to Question 15.

QUESTION NO. 14: What is the total amount of Plaintiff DeSheila Howlett's back pay damages?

ANSWER:

Back Pay Damages: \$ 502,000

Go on to the next question.

QUESTION NO. 15: Do you find that Plaintiff DeSheila Howlett is entitled to front pay damages in the form of additional lost wages and benefits that continue after the date of this verdict?

ANSWER:

_____ Yes or ☒ No

If you answered "Yes" to Question 15, answer the next question. If you answered "No" to Question 15, skip Question 16 and go on to Question 17.

QUESTION NO. 16: What is the total amount of Plaintiff DeSheila Howlett's front pay damages, limited to a period of no more than 5 years after the date of this verdict?

ANSWER:

Front Pay Damages: \$_____ N/A

Go on to the next question.

QUESTION NO. 17: Do you find that Plaintiff DeSheila Howlett is entitled to the reasonable value of medical care that she reasonably needed and actually received, and will need in the future, because of the Defendant the City of Warren's misconduct?

ANSWER:

☒ Yes or _____ No

If you answered "Yes" to Question 17, answer the next question. If you answered "No" to Question 17, skip Question 18 and go on to Question 19.

QUESTION NO. 18: What is the total amount of Plaintiff DeSheila Howlett's medical-related damages, both past and future?

ANSWER:

Past and Future Medical-Related Damages: \$ 3,000

Go on to the next question.

QUESTION NO. 19: Do you find that Plaintiff DeSheila Howlett is entitled to non-economic damages such as damages for pain, suffering, embarrassment, humiliation, loss of professional reputation, lowering of her estimation in the community, and mental anguish, both past and future, that she has experienced because of the Defendant the City of Warren's misconduct?

ANSWER:

✓ Yes or No

If you answered "Yes" to Question 19, answer the next question. If you answered "No" to Question 19, skip Question 20 and go on to Question 21.

QUESTION NO. 20 What is the total amount of Plaintiff DeSheila Howlett's non-economic damages, both past and future?

*If you have found **only the Defendant the City of Warren** liable under **only Title VII**, you may award no more than \$300,000 in total non-economic damages.*

If you have found the Defendant the City of Warren and/or any of the individual Defendants liable under § 1983, you may disregard this \$300,000 limit and award the amount you see fit, if any, because this limit does not apply to § 1983.

ANSWER:

Past and Future Non-Economic Damages: \$ 20,000

Go on to the next question.

QUESTION NO. 21: Do you find that Plaintiff DeSheila Howlett is entitled to lost future earnings damages in the form of the difference between the salary of a future lower paying job and the salary she would have made had she not experienced the unlawful conduct at the Warren Police Department?

ANSWER:

_____ Yes or ☒ No

If you answered "Yes" to Question 21, answer the next question. If you answered "No" to Question 21, skip Question 22 and go on to Question 23.

QUESTION NO. 22: What is the total amount of Plaintiff DeSheila Howlett's damages for lost future earnings limited to the period between May 2028 and May 2031?

ANSWER:

Lost Future Earnings: \$_____.

N/A

Go on to the next question.

As to whether Plaintiff DeSheila Howlett is entitled to compensatory damages from the individual Defendants Lawrence Garner, Shawn Johnson, and Anwar Khan.

If you answered "Yes" to Questions 1, 2, or 3, you should answer the questions below.

If you answered "No" to Questions 1, 2, or 3, you should not answer the questions below for any Defendant as to whom you answered "No."


QUESTION NO. 23: As to each individual Defendant listed below, do you find, based on his individual actions, that he proximately caused Plaintiff DeSheila Howlett to sustain damages?

If you find that any individual Defendants' conduct, actions, or inactions did not proximately cause Plaintiff to sustain any damage, you may select "No." If you select "No," Plaintiff will be awarded \$1.00 in nominal damages. If you select yes, you may award the amount you see fit.

ANSWER:

Anwar Khan

_____ Yes

_____  No

Shawn Johnson _____ Yes

✓ No

Lawrence Garner _____ Yes

✓ No

If you answered "Yes" to Question 23, with respect to any individual Defendant, proceed to answer Question 24.

If you answered "No" to Question 23 with respect to all individual Defendants, your deliberations are completed. You should not answer any further questions. Instead, you must have the Foreperson sign and date where indicated on the last page of this Verdict Form.

QUESTION NO. 24: What is the amount of damages you award to Plaintiff DeSheila Howlett against any individual Defendant based only on that individual's actions?

If no damages were caused by a specific individual Defendant, or you chose not to award damages against a specific individual Defendant, nominal damages in the amount of \$1.00 will be awarded to the Plaintiff. If you do determine that damages should be awarded, you may award the amount you see fit.

Anwar Khan \$_____.

Shawn Johnson \$_____.

Lawrence Garner \$_____.

N/A

As to whether Plaintiff DeSheila Howlett is entitled to punitive damages from the individual Defendants Lawrence Garner, Shawn Johnson, and Anwar Khan.

QUESTION NO. 25: As to each of the individual Defendants, please answer the following questions:

a. Did the Defendant act with evil motive or intent?

As to Defendant Lawrence Garner:

ANSWER: no (Write "yes" or "no")

As to Defendant Shawn Johnson:

ANSWER: no (Write "yes" or "no")

As to Defendant Anwar Khan:

ANSWER: no (Write "yes" or "no")

b. Did the Defendant act with reckless or callous indifference to the Plaintiff's federally protected rights?

As to Defendant Lawrence Garner:

ANSWER: no (Write "yes" or "no")

As to Defendant Shawn Johnson:

ANSWER: yes (Write "yes" or "no")

As to Defendant Anwar Khan:

ANSWER: no (Write "yes" or "no")

If you wrote "Yes" with respect to at least one of the sub-Questions listed under Question 25a or 25b for any individual Defendant, please answer Question 26.

If you wrote "No" with respect to both sub-Questions listed for all Defendants under Question 25, your deliberations are completed. You should not answer any further questions. Instead, you must have the Foreperson sign and date where indicated on the last page of this Verdict Form.

QUESTION NO. 26: Do you award punitive damages against any individual Defendant?

ANSWER:

✓ Yes or _____ No

If you answered "Yes" to Question 26, proceed to answer Question 27.

If you answered "No," to Question 26, your deliberations are completed. You should not answer any further questions. Instead, you must have the Foreperson sign and date where indicated on the last page of this Verdict Form.

QUESTION NO. 27: What is the amount of punitive damages you award to Plaintiff DeSheila Howlett against any individual Defendant based only on that individual's actions, if any?

ANSWER:

Anwar Khan

\$ N/A

Shawn Johnson

\$ 50,000

Lawrence Garner

\$ N/A

Please have the Foreperson sign and date this Verdict Form.

In compliance with the Privacy Policy adopted by the Judicial Conference, the verdict form with the original signature will be filed under seal.

[REDACTED]

5.4.23

Date